

ENTERED

May 27, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION*IN RE:* INTERCONTINENTAL
TERMINALS
COMPANY LLC DEER PARK FIRE
LITIGATION,§
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4:19-CV-1460

MINUTE ORDER

On May 27, 2021, the Court held a status conference on outstanding motions and other issues. The Court rules as follows:

O'Rourke's unopposed motion for leave to amend to add OPA claims, ECF No. 772, will be granted. Counsel for Plaintiff represented that these claims are similar to the other OPA claims asserted to date. The Court expressed concern about ruling on ITC's pending MSJ on the OPA claims, ECF No. 395, and then other similar motions would be filed, raising new issues or requesting additional hearings. ITC's counsel stated that they would determine what other OPA claims are pending and apply the pending motion to all the outstanding claims within the next two weeks, before the Court holds any argument on the motions.

ITC's motion to compel arbitration filed against Hyundai, ECF No. 589, could not be worked out. Counsel for Hyundai believes that the waiver argument distinguishes this case from others in which arbitration was ordered. The Court will rule on it in due course.

The agreed motion to adopt prior briefing with regard to ITC's motion to dismiss, ECF No. 781, the Ogden Plaintiffs' medical monitoring class action complaint, ECF No. 743, counsel for ITC will provide the Court with a key that lines up the paragraphs from the prior complaint to the current complaint as referenced in the motions to dismiss, ECF No. 563, 595, 646, 718, 740, 741. Counsel also informed the Court that the South Carolina MDL is currently considering whether to transfer this case. The parties will keep the Court apprised.

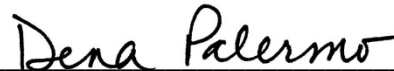
NSK's motion to dismiss the two NSK entities filed against Great Divide Insurance, ECF No. 811, is like the other motions that have been worked out. The parties are trying to reach an agreement. The parties shall notify the Court if any agreement is reached so that this motion can be terminated.

Regarding scheduling, the Plaintiffs and NSK have been working on an agreement to waive service on NSK Ltd., a Japanese entity, in exchange for other agreements. As it stands, NSK Ltd. will respond or otherwise move on or before August 16. Since the parties cannot engage in certain discovery until all parties are in the case, this creates uncertainty on some of the deadlines. The Court will hold a hearing after August 16 to discuss status and determine the schedule going forward.

The injury Plaintiffs and ITC are discussing mediation in the fall. The parties shall keep the Court apprised of any mediations scheduled and the names of the mediators.

Bryant's motion for leave to file an amended complaint, ECF No. 760, is unopposed, but Defendants still oppose leave. The Court will enter the appropriate order on their agreement ECF No. 699 in lieu of the order the Court entered, ECF No. 806.

Signed on May 27, 2021, at Houston, Texas.

A handwritten signature in black ink that reads "Dena Palermo". The signature is written in a cursive, flowing style. It is positioned above a horizontal line.

Dena Hanovice Palermo
United States Magistrate Judge